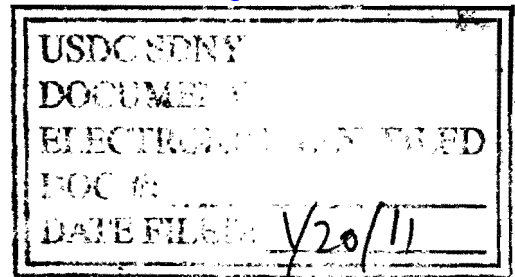


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



NATURAL RESOURCES DEFENSE COUNCIL,
INC.,

Plaintiff,

-against-

UNITED STATES FOOD AND DRUG
ADMINISTRATION; KATHLEEN SEBELIUS, in
her official capacity as Secretary, United States
Department of Health and Human Services;
MARGARET HAMBURG, in her official capacity
as Commissioner, United States Food and Drug
Administration,

Defendants.

**ORDER GRANTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND
DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

10 Civ. 5690 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

On January 19, 2011, the parties appeared before me for oral argument on their cross-motions for summary judgment, made pursuant to Federal Rule of Civil Procedure 56. For the reasons stated on the record, I hold that Plaintiff lacks standing to bring this lawsuit. I therefore grant Defendants' motion for summary judgment and deny Plaintiff's motion for summary judgment. The Clerk shall enter judgment in favor of Defendants.

The Clerk shall mark the motions (Doc. Nos. 5, 15) terminated and the case closed.

SO ORDERED.

Dated: January 20, 2011
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge